

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Stacey Darby,

PLAINTIFF

v.

Kilolo Kijakazi, Acting Commissioner of
the Social Security Administration

DEFENDANT

Case No. 2:20-cv-03694TLW

Order

This social security matter now comes before the Court for review of the Report and Recommendation (“R&R”) filed on October 18, 2021 by Magistrate Judge Baker, to whom this case was assigned. (ECF No. 14). In the R&R, the Magistrate Judge recommends reversing the Commissioner’s decision denying Plaintiff’s claims for disability insurance benefits and supplemental security income, and remanding the matter to the Commissioner for further proceedings. The Commissioner filed a notice stating that she will not submit objections to the R&R. (ECF No. 15). This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the R&R to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that R&R. 28 U.S.C. § 636. However, in the absence of objections to the R&R, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo*

review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, a party’s failure to file specific written objections to the R&R waives the right to appellate review of that claim. *See id.*

The Court has carefully reviewed the R&R. Having found no clear error on the face of the record, the R&R is **ACCEPTED**, the Commissioner’s decision is **REVERSED**, and this matter is **REMANDED** to the Commissioner for further proceedings as discussed in the R&R.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

November 3, 2021
Columbia, South Carolina